

AMENDED IN SENATE MARCH 18, 2004

SENATE BILL

No. 1178

Introduced by Senator Kuehl

February 9, 2004

An act to add Sections 16002.5 and 16004.5 to the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1178, as amended, Kuehl. Dependent children: parenting.

Existing law authorizes the juvenile court to adjudge a child a dependent child of the court if the child has suffered, or there is a substantial risk that the child will suffer, among other things, serious physical harm inflicted nonaccidentally upon the child by his or her parent or guardian, or serious physical harm or illness as a result of the failure or inability of the parent or guardian to adequately supervise or protect that child.

Existing law also provides for foster care placement situations for dependent minors by state and local child welfare agencies.

This bill, the Teen Parents in Foster Care Act, would make legislative findings and declarations regarding the need to provide resources and support to dependent minor parents. This bill would set forth ways in which the families of dependent minor parents may be preserved, by assisting these parents in raising their children, as well as participating in school and extracurricular activities. The bill would require child welfare agencies to identify and support whole family placements to ensure family-focused placements for dependent minor parents and their children.

To the extent that this bill would increase the duties of county child welfare agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~This bill would state the intent of the Legislature to preserve the continuity of the family unit and ensure the maintenance and strengthening of family relationships between a dependent minor parent and his or her child, as specified. The bill would also make related findings and declarations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature finds and declares the~~
- 2 ~~following:~~
- 3 ~~(a) It is in the interest of children whenever possible to be raised~~
- 4 ~~in safe and secure birth families.~~
- 5 ~~(b) Anecdotal evidence shows that dependent minors who are~~
- 6 ~~parents lose their parental rights faster and at higher rates than teen~~
- 7 ~~parents who are not in the dependency system.~~
- 8 ~~(c) The dependency system frequently fails to provide~~
- 9 ~~dependent parenting minors with adequate resources and~~
- 10 ~~opportunities to successfully parent their children.~~
- 11 ~~(d) It is the intent of the Legislature in enacting this act to~~
- 12 ~~preserve the continuity of the family unit and ensure the~~
- 13 ~~maintenance and strengthening of family relationships between a~~
- 14 ~~dependent minor parent and his or her child by ensuring that the~~
- 15 ~~courts and responsible agencies shall, whenever possible, protect~~
- 16 ~~the best interests of a dependent minor parent and his or her child~~



1 ~~as a unit, and shall make diligent and active efforts to maintain~~
2 ~~minor parent-child relationships.~~

3 *SECTION 1. This act shall be known and may be cited as the*
4 *Teen Parents in Foster Care Act.*

5 *SEC. 2. The Legislature finds and declares all of the*
6 *following:*

7 *(a) It is in the best interest of children whenever possible to be*
8 *raised in safe and secure birth families. Dependent teen parents,*
9 *their children, and society at large all benefit when these young*
10 *families are given a reasonable opportunity and assistance to form*
11 *and remain a family.*

12 *(b) Babies born to dependent teen parents are more likely to be*
13 *separated from their birth families than babies born to teen parents*
14 *who are not in the dependency system.*

15 *(c) Teen parents in the foster care system have less access to*
16 *traditional support systems typically available to minor and first*
17 *time parents. Additionally, expectations placed on dependent teen*
18 *parents are frequently unrealistic and inconsistent with their age*
19 *and developmental level. However, dependent minor parents,*
20 *given opportunities, adequate resources, support, and guidance,*
21 *are able to successfully parent their children.*

22 *(d) It is the intent of the Legislature in enacting this act to*
23 *preserve the continuity of the family unit and ensure the*
24 *maintenance and strengthening of family relationships between a*
25 *dependent minor parent and his or her child by ensuring that the*
26 *courts and responsible agencies shall, whenever possible, protect*
27 *the best interests of a dependent minor parent and his or her child*
28 *as a unit, and shall make diligent and active efforts to maintain*
29 *relationships between minor parents and their children, including,*
30 *but not limited to, placement of the minor parent and the child*
31 *together in as family-like a setting as possible.*

32 *SEC. 3. Section 16002.5 is added to the Welfare and*
33 *Institutions Code, to read:*

34 *16002.5. It is the intent of the Legislature to maintain the*
35 *continuity of the family unit and to support and preserve families*
36 *headed by minor parents who are themselves dependents of the*
37 *juvenile court by ensuring that minor parents and their children*
38 *are placed together in as family-like a setting as possible, unless*
39 *it has been determined that placement together poses a risk to the*
40 *child.*

1 (a) *Dependent minor parents and their children living in foster*
2 *care shall be provided with access to existing services specifically*
3 *targeted at supporting, maintaining, and developing both the*
4 *parent-child bond and the minor parent's ability to provide a*
5 *permanent and safe home for the child. Examples of these services*
6 *are child care, parenting classes, child development classes, and*
7 *frequent visitation.*

8 (b) *The minor parent shall be given the ability to attend school,*
9 *complete homework, and participate in activities unrelated to and*
10 *separate from parenting.*

11 (c) *Foster care placements for minor parents and their children*
12 *shall demonstrate a willingness and ability to provide support and*
13 *assistance to dependent minor parents and their children.*

14 (d) *Contact between the child, the custodial parent, and the*
15 *noncustodial parent shall be facilitated when that contact is found*
16 *to be in the best interest of the child.*

17 (e) *For the purpose of this section 'child' refers to the child*
18 *born to the minor parent.*

19 (f) *For the purpose of this section 'minor parent' refers to a*
20 *dependent child who is also a parent.*

21 SEC. 4. *Section 16004.5 is added to the Welfare and*
22 *Institutions Code, to read:*

23 16004.5. (a) *The Legislature finds and declares that there is*
24 *an urgent need to develop placement resources to permit minor*
25 *parents and their children to remain together in out-of-home care*
26 *when the minor parent is removed from the custody of his or her*
27 *parents due to abuse or neglect.*

28 (b) *Child welfare agencies shall identify and support whole*
29 *family placements to ensure sufficient family-focused placements*
30 *for dependent minor parents and their children.*

31 SEC. 5. *Notwithstanding Section 17610 of the Government*
32 *Code, if the Commission on State Mandates determines that this*
33 *act contains costs mandated by the state, reimbursement to local*
34 *agencies and school districts for those costs shall be made*
35 *pursuant to Part 7 (commencing with Section 17500) of Division*
36 *4 of Title 2 of the Government Code. If the statewide cost of the*
37 *claim for reimbursement does not exceed one million dollars*

1 (\$1,000,000), reimbursement shall be made from the State
2 Mandates Claims Fund.

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